

Remarks

By the foregoing Amendment, Claims 83-100 have been cancelled and new claims 101-114 are presented. Entry of the amendment and favorable consideration thereof is earnestly requested.

The Examiner has rejected the former pending claims 83-100 under 35 U.S.C. §112, first paragraph, as lacking enablement in the specification. The Examiner has also rejected claims 83-100 as containing new matter and for being indefinite.

Although Applicants disagree with the §112 rejections, in order to complete prosecution of this application, Applicants have submitted the foregoing claims which have already been stated by the Examiner to be acceptable for allowance.

In particular, claim 101 sets forth in independent form the exact claim which the Examiner stated was acceptable in the Office Action mailed May 13, 2004, at Page 2, Paragraph 4, where the Examiner stated that the specification is "enabling only for a method for treating a subject for asthma, allergic rhinitis, atopic eczema, dermatitis, urticaria, or hives comprising administering to the subject an effective amount of an agent wherein the agent is selected from the group consisting of Etx, Ctx, EtxB, and CtxB that bind to GM1 wherein the agent is administered with an allergen and is not coupled to said allergen." Claim 101 submitted herewith follows this wording exactly. As the Examiner has already indicated that this language is acceptable, it is respectfully submitted that claims 101-104 are in condition for allowance.

Claim 105 uses the identical language as claim 101, but the selected agent is limited to EtxB. Therefore, claims 105-108 are allowable in the same way as claims 101-104.

Claim 109 sets forth in independent form the claim which the Examiner stated was acceptable in the Office Action mailed July 29, 2003, at Page 3, Paragraph 9,

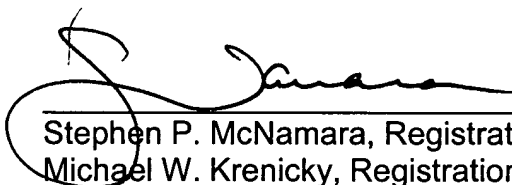
where the Examiner stated that the specification is "enabling only for a method for treating a subject for asthma comprising administering to the subject an effective amount of an agent wherein the agent is EtxB that binds to GM1." Claim 109 submitted herewith adopts this exact wording. As the Examiner has already indicated that this language is acceptable, it is respectfully submitted that claims 109-110 are in condition for allowance.

Claim 111 sets forth a claim which combines the two claims indicated to be enabled in the July 29, 2003 and May 13, 2004 Office Actions. It is respectfully submitted that claim 111 is also enabled and should be allowed.

Enabling support for the above amended claims is found in the Declaration of Dr. Neil Williams filed December 16 2002 which discusses data relating to use of EtxB in studies of animal allergic response modeling human airway diseases.

It is submitted that that the foregoing Amendment and Remarks addresses all of the issues raised in the pending Office Action. It is respectfully requested that a Notice of Allowance be issued as to this application.

Respectfully submitted,



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